

REMARKS

By the present amendment, Applicant has amended Claim 1. Claims 10-17 have been added. Claim 2 has been cancelled. Claims 1 and 3-17 remain pending in the present application. Claims 1 and 10 are independent claims.

Applicants' representative attempted to contact the Examiner to arrange a personal interview before expiration of the current period for response, but was unable to do so. Applicant herein requests a personal interview in accordance with MPEP § 713.01 to discuss the merits of the present invention and to consider the effects of the present amendment thereon. Applicant's representative will contact the Examiner in the near future to arrange a convenient date for the interview.

In the recent Office Action the Examiner rejected Claims 1, 2, 4, 5, 7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Seneca (US 5,219,340). Claims 1, 6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Laughridge (US 5,964,641). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seneca (US 5,219,340) in view of Raducu (US DE 04301010).

Applicants have amended independent Claim 1 and added new independent Claim 10 in an effort to more clearly and definitely claim their invention over the prior art references. Applicants will advance arguments hereinbelow to illustrate the manner in

which the presently claimed invention is patentably distinguishable from the applied and cited prior art. Reconsideration of the present application is respectfully requested.

The patent to Seneca discloses a colloidal oatmeal solution applicator that is formed of a top layer and a bottom layer of porous material with sealed edges and forming a cavity therebetween. The cavity is filled with oatmeal and when the applicator is immersed in water, the water passes into the applicator and co-acts with the oatmeal to form a colloidal oatmeal solution, which may be delivered via the applicator. Seneca also includes a strap 12 to facilitate handling and control of the applicator by a user. Claims 1, 2, 4, 5, 7 and 9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Seneca (US 5,219,340). However, Applicants have amended independent Claim 1 to include the closed claim language "consisting of" when claiming the elements of Applicants' powder-dispensing pouch. Since the patent to Seneca discloses a strap 12, which is not present in the powder dispensing pouch of Applicants Claims, the rejection of Claims 1, 2, 4, 5, 7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Seneca is therefore improper and should be withdrawn.

The patent to Laughridge discloses a pouch or a pocket that contains odor controlling/moisture absorbing materials. Laughridge does not show a top layer and a bottom layer with sealed edges forming the cavity of the pouch or pocket. To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either

explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). Since Laughridge does not disclose each and every limitation of Applicants' amended Claim 1, the rejection of Claims 1, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Laughridge is therefore improper and should be withdrawn.

The German patent to Raducu, relied upon by the Examiner in rejecting dependent Claim 3, has also been carefully reviewed, however Applicant finds nothing therein which would overcome or supply that which is lacking in the basic applied prior art noted above.

Applicants' new Claims 10-17 contain each and every limitation, with respect to the powder-dispensing pouch that is recited in Claim 1, including the closed claim language "consisting of" when referring to the powder dispensing pouch. New independent Claim 10 further claims the powder-dispensing pouch of Applicants' invention in combination with pair of male underwear with a fly pocket. Thus, for the same reasons given above, and because none of the applied references discloses a pair of male underwear with a fly pocket, Applicants are of the view that new Claims 10-17 are allowable over the applied prior art of record.

The remaining patents made of record in the application but not previously applied against any of the claims have also been carefully reviewed, however, Applicant finds

Application Serial No.: 10/666,831
Art Unit: 3761

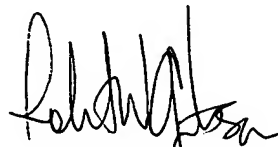
Attorney Docket No. 21694.00
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nothing therein which would overcome or supply that which is lacking in the basic combination of the other previously applied prior art noted above.

The claims in this application have been revised to more particularly define Applicants' unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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RWG/dht
Attachments: Petition for TWO Month Extension of Time
Check for \$225.00